

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DAVID MERGENTHALER

(b) County of Residence of First Listed Plaintiff New Kent, VA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Blackwell Shelley, Esq. | Shelley Cupp Schulte
3 W. Cary St, Richmond, VA 23219 | 8046449700

DEFENDANTS

McNEIL SALES & SERVICE, INC.

County of Residence of First Listed Defendant Robbinsville, NJ
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Charles G. Meyer, III, Esq.; Wood W. Lay, Esq.; Rachael L.
Loughlin, Esq. | O'Hagan Meyer | 8044037100

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	422 Appeal 28 USC 158	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury - Product Liability	423 Withdrawal 28 USC 157	376 Qui Tam (31 USC 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability		400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	368 Asbestos Personal Injury Product Liability		410 Antitrust
150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability			430 Banks and Banking
151 Medicare Act	340 Marine			450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability			460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle			470 Racketeer Influenced and Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability			480 Consumer Credit (15 USC 1681 or 1692)
190 Other Contract	360 Other Personal Injury			485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury - Medical Malpractice			490 Cable/Sat TV
196 Franchise				850 Securities/Commodities/Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
210 Land Condemnation	440 Other Civil Rights	Habeas Corpus:	861 HIA (1395ff)	890 Other Statutory Actions
220 Foreclosure	441 Voting	463 Alien Detainee	862 Black Lung (923)	891 Agricultural Acts
230 Rent Lease & Ejectment	<input checked="" type="checkbox"/> 442 Employment	510 Motions to Vacate Sentence	863 DIWC/DIWW (405(g))	893 Environmental Matters
240 Torts to Land	443 Housing/ Accommodations	530 General	864 SSID Title XVI	895 Freedom of Information Act
245 Tort Product Liability	445 Amer. w/Disabilities - Employment	535 Death Penalty	865 RSI (405(g))	896 Arbitration
290 All Other Real Property	446 Amer. w/Disabilities - Other	Other:		899 Administrative Procedure Act/Review or Appeal of Agency Decision
	448 Education	540 Mandamus & Other		950 Constitutionality of State Statutes
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		462 Naturalization Application		
		465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1441

VI. CAUSE OF ACTION

Brief description of cause:
federal jurisdictional diversity of citizenship

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

100,000

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/19/2020

SIGNATURE OF ATTORNEY OF RECORD

Rachael Loughlin

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____

APPLYING IPP _____

JUDGE _____

MAG. JUDGE _____